IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22206 of 2004

Between:

Sri K.J. Venkatagiri, S/o K.J. Krishnappa,
R/o Rallabuduguru Village & Post, Shantipuram Mandal,
Chittoor District.

..... PETITIONER

AND

1 The Asst. Commissioner, Endowments Department, Chittoor, Chittoor District.
2 The Commissioner, Endowments Department,. Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more especially one in the nature of writ mandamus declaring the action of the 1st respondent in issuing the impugned order dt. 20-10-2004 under proceedings Rc.No. B2/4145/2004 Admn as illegal, arbitrary and unconstitutional and consequently to set aside the impugned order dt. 20-10-2004 under proceedings Rc.No. B2/4145/2004 Admn issued by the 1st respondent.

Counsel for the Petitioner:MR.S.S.BHATT

Counsel for the Respondents 1na d 2: GP FOR ENDOWMENTS

The Court, at the stage of admission, made the following :

ORDER:

Petitioner claims to be the hereditary trustee of 'Sri Ayyakudi Satram', Chittoor District. According to him, the Satram was not registered under the provisions of A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'), and despite the same, 1st respondent appointed five non-hereditary trustees to the Satram. He challenges the same on several grounds.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

This Court is not inclined to entertain the writ petition for the reason that the question such as whether the petitioner is a hereditary trustee and whether the Satram was registered as required under the Act, cannot be adjudicated in the writ proceedings. Further, the petitioner had an effective alternative remedy, by way of appeal under Section 90 of the Act, before the Regional Joint Commissioner of Endowments of the concerned area. The appellate authority will be in a better position to examine the records and appreciate the contentions advanced on behalf of the petitioner.

Hence, the writ petition is disposed of leaving it open to the petitioner to avail the remedy of appeal against the order, dated 20.10.2004, passed by the 1st respondent. There shall be no order as to costs.

L.NARASIMHA REDDY, J

Dated : 2nd December, 2004

Note: Office to furnish copy

in three days.

(B/o.)

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To

1 The Asst. Commissioner, Endowments Department, Chittoor, Chittoor District.
2 The Commissioner, Endowments Department,. Hyderabad.

3 2 CCS to the G.P. for Endowments, High Court of A.P., Hyderabad (OUT).

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